

1 JUDGE BENJAMIN H. SETTLE  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

9 WILLIAM V. LANGFITT III, individually and  
10 as executor of the ESTATE OF WILLIAM V.  
11 LANGFITT, IV, and PATRICIA E.  
12 LANGFITT, individually,

Plaintiff,

13 vs.

14 PIERCE COUNTY, COLBLY EDWARDS and  
15 "JANE DOE" EDWARDS

Defendants.

16 No. 3:21-CV-05122-BHS  
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18 MOTION FOR LEAVE TO AMEND AND  
19 SUPPLMENT COMPLAINT  
20  
21 (ORAL ARGUMENT REQUESTED)  
22 NOTED: JUNE 18, 2021  
23

**RELIEF REQUESTED AND BACKGROUD FACTS**

Pursuant to Federal Rule of Civil Procedure 15 and Local Rule 15, Plaintiffs, through their undersigned counsel of record, respectfully request leave to amend their original Complaint in the above-captioned case. Plaintiffs seek to amend leave to amend to amend and supplement the Complaint to include additional facts in support of Plaintiffs' claims. Plaintiffs outline the facts

1 surrounding the decedent's mental health at the time prior to his death and how Defendants policies,  
2 practices, procedures and customs encouraged the misconduct of failing to train, supervise, control  
3 and discipline its deputies, thus, embracing and endorsing the killing of an unarmed young man- Billy  
4 Langfitt. In support of this Motion, Plaintiffs submit a proposed First Amended Complaint, attached  
5 as Exhibit A to this motion. *See Declaration of Jesse Valdez*, EX. A.

6 Plaintiffs commenced this action on February 19, 2021. *See* Dkt. 1. The Parties have not yet  
7 been given a trial date for this case. Additionally, the parties have not been given case deadlines for  
8 the case. At this time, there is no discovery deadline for this case.

9 **ISSUE**

10 Whether leave should be freely granted by the Court for Plaintiffs to amend their Complaint  
11 to plead and include changes for the Plaintiffs as to facts supporting their claims.

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13 **EVIDENCE**

14 The motion is supported by the declaration of Jesse Valdez and Exhibits.

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16 **ANALYSIS**

17 Federal Rule of Civil Procedure 15(a)(2) allows for the amendment of pleadings with leave  
18 of court, or with the opposing counsel's written consent, before trial. Fed. R. Civ. P. 15(a)(2). The  
19 Rule further provides that the “[t]he court should freely give leave when justice so requires.” *Id.*  
20 In addition, Rule 15(d) specifically allows the filing of supplemental pleadings to allege new facts  
21 that occur after the filing of the original pleadings. Rule 15(d) states that “[o]n motion and  
22 reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading  
23 setting out any transaction, occurrence, or event that happened after the date of the pleading to be

1 supplemented.” Fed. R. Civ. P. 15(d).

2 Because Rule 15(a) instructs that leave to amend pleadings should be “freely” given, the  
 3 standard of review is liberal. Indeed, the Ninth Circuit has instructed that the rule “should be  
 4 interpreted with ‘extreme liberality,’ *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9<sup>th</sup> Cir.  
 5 1990)(quoting *United States v. Webb*, 655 F.2d 977, 979 (9<sup>th</sup> Cir. 1981)), and “[a]n outright refusal  
 6 to grant leave to amend without a justifying reason is...an abuse of discretion.” *Smith v.*  
 7 *Constellation Brands, Inc.*, 2018 WL 991450, at \*2 (9<sup>th</sup> Cir. Feb. 21, 2018)(quoting *Leadsinger*  
 8 *Inc., v. BMG Music Publ’g*, 512 F.3d 522, 532, (9<sup>th</sup> Cir. 2008) and citing *Foman v. Davis*, 371 U.S.  
 9 178, 182 (1962)).

10 The rule is intended to make possible proper decision on merits, to provide adequate notice  
 11 to parties of the basis for claims against them, and to permit amendment of the pleadings unless it  
 12 would result in prejudice to the adverse party. *Caruso v. Local Union No. 690*, 100 Wn.2d 343,  
 13 349, 670 P.2d 240 (1983).

14 Justice requires Plaintiffs to amend their Complaint to include additional facts where there is  
 15 no prejudice to the Defendants.

16 In determining whether an amendment would cause prejudice, the court should consider  
 17 factors including undue delay, unfair surprise, and jury confusion. *Herron v. Tribune Publishing*  
 18 Co., 108 Wn.2d 162, 165-66, 736 P.2d 249, (1987). There is no undue delay where Plaintiffs seek  
 19 to amend to include facts to support its claims as discovery has not yet begun. The case has still in  
 20 its infancy stages and the discovery process will be initiated soon. There is discovery cut deadline  
 21 yet in place. There is no unfair surprise because the seek to include facts the defendants are or  
 22 should be aware of. Additionally, including additional facts to the complaint provides adequate  
 23 notice to the defendants.

Similarly, Rule 15(d) “is intended to give district courts broad discretion in allowing supplement pleadings” to promote “judicial economy and convenience.” *Keith v. Volpe*, 858 F.2d 467, 473 (9<sup>th</sup> Cir. 1988); *see also San Luis & Delta-Mendota Water Auth. v. U.S. Dep’t of Interior*, 236 F.R.D. 491, 496 (E.D. Cal. 2006)(“Leave should be freely given”). Supplemental pleadings should be allowed as a matter of course “unless some particular reason for disallowing them appears.” *Keith*, 858 F.2d at 473. (citation omitted). Finally, judicial economy is served by resolving related issues in a single lawsuit between the same parties.

## **CONCLUSION**

For the above reasons, Plaintiffs respectfully request leave to amend and supplement the original Complaint in the above-captioned matter.

DATED this 28<sup>th</sup> day of May, 2021.

/s/ Jesse Valdez  
Jesse Valdez, WSBA #35378  
Valdez Lehman, PLLC  
14205 SE 36th Street, Ste. 100  
Bellevue, WA 98006

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3                   **CERTIFICATE OF SERVICE**  
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6                   I hereby certify that on May 28, 2021, I electronically filed the foregoing Motion for Leave  
7 to Amend and Supplement Plaintiffs First Amended Complaint with the Clerk of the Court using the  
8 CM/ECF system which will send notification of this filing to the attorneys of record and all  
9 registered participants.

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12                   /s/ Jesse Valdez \_\_\_\_\_  
13                   Jesse Valdez  
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